

**\*\*Title\*\*:** \*Spouses Bernardito and Arsenia Gaela (Deceased), Substituted by Her Heirs Namely: Bernardito Gaela and Joseline E. Paguirigan v. Spouses Tan Tian Heang and Sally Tan\*

**\*\*Facts\*\*:**

This case arose from a complaint for ejectment concerning two parcels of land in Barrio Rosario, Pasig, covered by TCT Nos. PT-126446 and PT-126450. Originally owned by Bernardito and Arsenia Gaela (petitioners), their daughter Bernardita allegedly took and forged titles to mortgage them to Alexander Tam Wong. Wong's titles were later transferred to respondents Spouses Tan Tian Heang and Sally Tan after purchasing the properties on December 20, 2004.

Facing the annulment of this sale in Civil Case No. 70250 before the RTC, Pasig City, the Gaelas caused the annotation of a notice of lis pendens on the respondents' certificates of title. The respondents countered that they lawfully purchased the properties from Wong and paid property taxes early in 2005. Upon demanding the Gaelas vacate the properties, and facing refusal, the respondents filed a complaint for unlawful detainer.

The MeTC ruled on February 12, 2007, dismissing the complaint for lack of cause of action, reasoning that it was difficult to determine when the possession became unlawful due to pending litigation on ownership. Respondents appealed to the RTC, which on October 2, 2007, reversed the MeTC, asserting respondents' better right to possession as title holders. The CA affirmed the RTC decision in its April 28, 2008, decision, leading to the Gaelas' petition for review on certiorari.

**\*\*Issues\*\*:**

1. Who between the petitioners and respondents has a better right to possess the subject properties?
2. Whether the action filed by the respondents constituted unlawful detainer, vesting original jurisdiction with the MeTC.
3. Whether the notice of lis pendens and the pending annulment of sale/action on titles affected the right of possession adjudicated in this case.

**\*\*Court's Decision\*\*:**

1. **\*\*Better Right to Possession\*\*:**

The Supreme Court ruled that, notwithstanding pending ownership disputes, possession of the property could be adjudicated separately. The central issue was who had the current

lawful title and thus right to possession. The court held that the respondents, as the registered owners under the Torrens title system, had the superior claim to possess the properties.

2. **Nature of the Action**:

The court found the respondents' action to recover possession valid under the scope of unlawful detainer. Unlawful detainer deals specifically with possession claims independent of underlying ownership disputes, provided the action is brought within one year of unlawful possession.

3. **Effect of Lis Pendens**:

The annotation of the lis pendens and the pending annulment suit did not negate the respondents' right to immediate possession by virtue of their Torrens title. The court maintained its doctrine that a registered titleholder has an indefeasible right to possess the property.

**Doctrine**:

1. **Indefeasibility of Torrens Title**:

Certificates issued under the Torrens system serve as proof of indefeasible title and confer right to possession.

2. **Unlawful Detainer**:

Prior physical possession by the plaintiff is not a prerequisite for unlawful detainer actions brought by vendees deprived of possession after the termination of a possessory right.

3. **Lis Pendens and Collateral Attack**:

A Torrens title cannot be collaterally attacked in an unlawful detainer case, underscoring the certificate holder's right to all attributes of ownership, including possession.

**Class Notes**:

- **Unlawful Detainer Elements**:

1. Lawful initial possession under contract or tolerance.
2. Termination of right to possess and notice to vacate.
3. Continuance in possession post-termination.
4. Action filed within one year of possession's unlawful commencement.

- **Essential Principles**:

- Torrens titleholders are presumed to have legal possession.

- Ownership issues in separate litigation don't affect immediate possessory rights adjudicated in detainer cases.
- Section 1, Rule 70, Rules of Court: Plaintiff can institute possessory actions within one year of unlawful withholding.

**\*\*Historical Background\*\*:**

The case highlights the complexities of property rights and ownership disputes historically prevalent in Philippine jurisprudence. The Torrens system aims to simplify ownership claims and provide indefeasible titles. This decision limits the ability of property disputes to disrupt the current registered owner's possessory rights, streamlining property litigation and emphasizing title security.